



May 27, 2009

Joyce Fry
Water Quality Certification Section
200 Fair Oaks Lane
Fourth Floor
Frankfort, KY 40601

**RE: WINCHESTER MUNICIPAL UTILITIES LOWER HOWARDS CREEK SANITARY SEWER
IMPROVEMENTS PROJECT – HAMPTON MANOR OUTFALL**

Dear Ms. Fry,

Enclosed, please find an application for permit to construct across or along a stream. This permit application is for the Winchester Municipal Utilities Lower Howards Creek Sanitary Sewer Improvements Project – Hampton Manor Outfall. This submittal contains the following:

- Application for Permit;
- Copy of Affidavit of Publication;
- Aerial Map of the Project Area with Sewer Alignment;
- Map of Stream Delineation;
- Project Area Quadrangles (2); and
- Construction Drawings (One Set).

The Hampton Manor Outfall has been designed and submitted to Kentucky Division of Water (KDOW) and U.S. Army Corps of Engineers (USACE) for all necessary permitting in conjunction with the Lower Howards Creek Sanitary Sewer Improvements Project - Vaught Road Outfall. USACE requires both the Hampton and Vaught projects to be submitted as a single permit application for the 404 Nationwide 12 Permit. In order to maintain eligibility for stimulus funding on the Vaught Road Outfall, Winchester Municipal Utilities (WMU) intends to have both projects ready for advertisement prior

to November 10, 2010, bid opening on December 15, 2009, and commence construction prior to February 16, 2010.

This project will eliminate two re-occurring sanitary sewer overflows (SSOs) in the Lower Howards Creek watershed; this action was ordered by the Environmental and Public Protection Cabinet in WMU's consent decree (Civil Action No. 06-1-2KSF, April 10, 2007) and outlined in WMU's Sanitary Sewer Overflow Elimination Plan (SSOP, October 2007). Plans for elimination of SSOs in Lower Howards Creek will be further described in the WMU Facilities Plan (projected submittal to KDOW, July 2009).

Permit applications have been submitted concurrently with this application for:

- KDOW Construction Permit for Sewer Line Extension;
- KDOW Permit to Construction Across and/or Along a Stream;
- KDOW KPDES NOI; and
- US Army Corps of Engineers Section 404 Nationwide Permit 12.

If you have any questions or comments concerning the application, please feel free to call me at (859) 744-1218.

Respectfully submitted,

A handwritten signature in black ink that reads "Brian Ward". The signature is written in a cursive, flowing style.

Brian Ward, P.E.
Project Manager

Cc: Vernon Azevedo (WMU)
Job # 10390.00

COMMONWEALTH OF KENTUCKY
NATURAL RESOURCES & ENVIRONMENTAL PROTECTION CABINET
DEPARTMENT FOR ENVIRONMENTAL PROTECTION
DIVISION OF WATER

APPLICATION FOR PERMIT TO CONSTRUCT ACROSS OR ALONG A STREAM
AND / OR WATER QUALITY CERTIFICATION

Chapter 151 of the Kentucky Revised Statutes requires approval from the Division of Water prior to any construction or other activity in or along a stream that could in any way obstruct flood flows or adversely impact water quality. *If the project involves work in a stream, such as bank stabilization, dredging or relocation, you will also need to obtain a 401 Water Quality Certification (WQC) from the Division of Water.* This completed form will be forwarded to the Water Quality Branch for WQC processing. The project may not start until all necessary approvals are received from the KDOW. For questions concerning the WQC process, contact the WQC section at 502/564-3410.

If the project will disturb more than 1 acre of soil, you will also need to complete the attached Notice of Intent for Storm Water Discharges, and return both forms to the Floodplain management Section of the KDOW. This general permit will require you to create an implement an erosion control plan for the project.

1. OWNER: WINCHESTER MUNICIPAL UTILITIES

Give name of person(s), company, governmental unit, or other owner of proposed project.

MAILING ADDRESS: 150 NORTH MAIN STREET P.O. BOX 4177
WINCHESTER, KY 40392-4177

TELEPHONE #: 859-744-5434 EMAIL: duke@wmutilities.com
2. AGENT: CHASE AZEVEDO OR BRIAN WARD

Give name of person(s) submitting application, if other than owner.

ADDRESS: 400 SHOPPERS DRIVE P.O. BOX 747
WINCHESTER, KY 40392-747 bward@palmernet.com

TELEPHONE #: 859-744-1218 EMAIL: cazevedo@palmernet.com
3. ENGINEER: BRIAN WARD P.E. NUMBER: 22627

Contact Division of Water if waiver can be granted.

TELEPHONE #: 859-744-1218 EMAIL: bward@palmernet.com
4. DESCRIPTION OF CONSTRUCTION: SEE ATTACHMENT.

Describe the type and purpose of construction and describe stream impact

5. COUNTY: CLARK NEAREST COMMUNITY: WINCHESTER
6. USGS QUAD NAME K44 - WINCHESTER LATITUDE/LONGITUDE:

START 37D58'30.56"N
84D11'56.77"W
END 37D59'8.45"N
84D11'39.23"W
7. STREAM NAME: LOWER HOWARDS CREEK WATERSHED SIZE (in acres): 4440.62 ACRES
8. LINEAR FEET OF STREAM IMPACTED: 48.16 FEET
9. DIRECTIONS TO SITE: FROM THE INTERSECTION OF KY 627 AND KY 1958, TRAVEL
NORTH ON KY 1958 0.12 MILES. LOWER HOWARDS CREEK RUNS
UNDER KY 1958 AT THIS POINT. THE PROJECT SITE EXTENDS
NORTH AND SOUTH ALONG THE STREAM APPROXIMATELY .57
MILES AND .21 MILES RESPECTIVELY.

10. IS ANY PORTION OF THE REQUESTED PROJECT NOW COMPLETE? ☐ Yes ☒ No If yes, identify the completed portion on the drawings you submit and indicate the date activity was completed. DATE: _____
11. ESTIMATED BEGIN CONSTRUCTION DATE: FEBRUARY 16, 2009
12. ESTIMATED END CONSTRUCTION DATE: OCTOBER 16, 2010
13. HAS A PERMIT BEEN RECEIVED FROM THE US ARMY, CORPS of ENGINEERS? ☐ Yes ☒ No If yes, attach a copy of that permit.
14. THE APPLICANT *MUST* ADDRESS PUBLIC NOTICE:

(a) PUBLIC NOTICE HAS BEEN GIVEN FOR THIS PROPOSAL BY THE FOLLOWING MEANS:

- ☒ Public notice in newspaper having greatest circulation in area (provide newspaper clipping or affidavit)
☐ Adjacent property owner(s) affidavits (Contact Division of Water for requirements.)

(b) ☐ I REQUEST WAIVER OF PUBLIC NOTICE BECAUSE:

Contact Division of Water for requirements.

15. I HAVE CONTACTED THE FOLLOWING CITY OR COUNTY OFFICIALS CONCERNING THIS PROJECT:
HON. ED BURTNER, MAYOR OF WINCHESTER

Give name and title of person(s) contacted and provide copy of any approval city or county may have issued.

16. LIST OF ATTACHMENTS: ONE SET OF CONSTRUCTION DRAWINGS (FULL SIZE)
List plans, profiles, or other drawings and data submitted. Attach a copy of a 7.5 minute USGS topographic map clearly showing the project location.
ONE AERIAL MAP OF PROJECT AREA WITH SEWER ALIGNMENT
COPY OF AFFIDAVIT OF PUBLICATION
MAP OF STREAM DELINEATION
PROJECT AREA QUADRANGLES (2)

17. I, _____ (owner) CERTIFY THAT THE OWNER OWNS OR HAS EASEMENT RIGHTS ON ALL PROPERTY ON WHICH THIS PROJECT WILL BE LOCATED OR ON WHICH RELATED CONSTRUCTION WILL OCCUR (for dams, this includes the area that would be impounded during the design flood). 17. SEE ATTACHMENT

18. REMARKS: _____

I hereby request approval for construction across or along a stream as described in this application and any accompanying documents. To the best of my knowledge, all the information provided is true and correct.

SIGNATURE: Vernon Azurdo
Owner or Agent sign here. (If signed by Agent, a Power of Attorney should be attached.)

DATE: MAY 27, 2009

SIGNATURE OF LOCAL FLOODPLAIN COORDINATOR:

Gary Eppes
Permit application will be returned to applicant if not properly endorsed by the local floodplain coordinator.

DATE: 5/27/09

SUBMIT APPLICATION AND ATTACHMENTS TO:

Floodplain Management Section
Division of Water
14 Reilly Road
Frankfort, KY 40601

**Kentucky Pollutant Discharge Elimination System (KPDES)
Instructions
Notice of Intent (NOI) for Storm Water Discharges Associated with Industrial Activity
To Be Covered Under The KPDES General Permit**

WHO MUST FILE A NOTICE OF INTENT (NOI) FORM

Federal law at 40 CFR Part 122 prohibits point source discharges of stormwater associated with industrial activity to a water body of the Commonwealth of Kentucky without a Kentucky Pollutant Discharge Elimination System (KPDES) permit. The operator of an industrial activity that has such a storm water discharge must submit a NOI to obtain coverage under the KPDES Storm Water General Permit. If you have questions about whether you need a permit under the KPDES Storm Water program, or if you need information as to whether a particular program is administered by the state agency, call the Storm Water Contact, Industrial Section, Kentucky Division of Water at (502) 564-3410.

WHERE TO FILE NOI FORM

NOIs must be sent to the following address:

Section Supervisor
Inventory & Data Management Section
KPDES Branch, Division of Water
Frankfort Office Park
14 Reilly Road
Frankfort, KY 40601

COMPLETING THE FORM

Type or print legibly in the appropriate areas only. If you have any questions regarding the completion of this form call the Storm Water Contact, Industrial Section, at (502) 564-3410.

SECTION I - FACILITY OPERATOR INFORMATION

Give the legal name of the person, firm, public organization, or any other entity that operates the facility or site described in this application. The name of the operator may or may not be the same as the name of the facility. The responsible party is the legal entity that controls the facility's operation, rather than the plant or site manager. Do not use a colloquial name. Enter the complete address and telephone number of the operator.

Enter the appropriate letter to indicate the legal status of the operator of the facility.

F = Federal M = Public (other than federal or state)
S = State P = Private

SECTION II - FACILITY/SITE LOCATION INFORMATION

Enter the facility's or site's official or legal name and complete street address, including city, state, and ZIP code.

SECTION III - SITE ACTIVITY INFORMATION

If the storm water discharges to a municipal separate storm sewer system (MS4), enter the name of the operator of the MS4 (e.g., municipality name, county name) and the receiving water of the discharge from the MS4. (A MS4 is defined as a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) that is owned or operated by a state, city, town, borough, county, parish, district, association, or other public body which is designed or used for collecting or conveying storm water.)

If the facility discharges storm water directly to receiving water(s), enter the name of the receiving water.

Indicate whether or not the owner or operator of the facility has existing quantitative data that represent the characteristics and concentration of pollutants in storm water discharges. If data is available submit with this form.

List, in descending order of significance, up to four 4-digit standard industrial classification (SIC) codes that best describe the principal products or services provided at the facility or site identified in Section II of this application.

If the facility listed in Section II has participated in Part 1 of an approved storm water group application and a group number has been assigned, enter the group application number in the space provided.

If there are other KPDES permits presently issued for the facility or site listed in Section II, list the permit numbers.

SECTION IV - ADDITIONAL INFORMATION REQUIRED FOR CONSTRUCTION ACTIVITIES ONLY

Construction activities must complete Section IV in addition of Sections I through III. Only construction activities need to complete Section IV.

Enter the project start date and the estimated completion date for the entire development plan.

Provide an estimate of the total number of acres of the site on which soil will be disturbed (round to the nearest acre).

Indicate whether the storm water pollution prevention plan for the site is in compliance with approved state and/or local sediment and erosion plans, permits, or storm water management plans.

SECTION V - CERTIFICATION

Federal statutes provide for severe penalties for submitting false information on this application form. Federal regulations require this application to be signed as follows:

For a corporation: by a responsible corporate officer, which means: (i) president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision making functions, or (ii) the manager of one or more manufacturing, production, or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;

For a partnership or sole proprietorship: by a general partner or the proprietor; or *For a municipality, state, Federal, or other public facility:* by either a principal executive officer or ranking elected official.

4. DESCRIPTION OF CONSTRUCTION: The project involves the construction of 4,828 feet of gravity sewer line and 37 manholes that will replace current failing infrastructure consisting of gravity sewer that permits two reoccurring sanitary sewer overflows (SSOs) in Lower Howards Creek. The two SSOs result from undersized pipes, leaking pipes, leaking manholes, and excessive infiltration and inflow. The elimination of the two SSOs has been ordered by federal mandate in WMU's consent decree from the Environmental and Public Protection Cabinet (Civil Action No. 06-102-KSF, April 10, 2007). All sewer line will be placed using open trenching or jack and bore construction methods. Proposed sewer line will replace and/or parallel current sewer infrastructure through the project corridor. Existing sewer lines and manholes will either be removed or abandoned in place according to details on Sheets 10 and 11. The proposed sewer will cross Lower Howards Creek seven times.

MEASUREMENTS OF IMPACTS AT STREAM CROSSING AND IN FLOOD PLAIN

<u>HAMPTON MANOR OUTFALL</u>			
CROSSING	LENGTH OF STREAM	WIDTH OF STREAM AT	AREA OF IMPACT IN
<u>NUMBER</u>	<u>CROSSING</u>	<u>CROSSING</u>	<u>STREAM</u>
	<u>(FEET)</u>	<u>(FEET)</u>	<u>(SQUARE FEET)</u>
1	7.72	8.14	49.82
2	6.99	3.19	19.01
3	6.00	5.67	33.51
4	6.18	6.26	37.91
5	7.14	7.41	45.49
6	7.91	8.89	53.90
7	6.22	6.24	37.55
Total	48.16	45.80	277.19

277.19 = .0064 ACRES

(SEE EXHIBIT FOR CROSSINGS)

	<u>PROJECT</u>	<u>WITHIN THE 100-</u>
	<u>TOTALS</u>	<u>YEAR FLOOD ELEVATION</u>
LENGTH OF PIPE (FT)	4828	3680
NUMBER OF MANHOLES	37	30

All proposed manholes with rim elevations less than one foot above the 25-year flood elevation in the project will be specified to be water tight: model MC-350 manufactured by JR Hoe or an approved equal. Stream crossings will be constructed according to the Stream Crossing Detail on Sheet 11 of the Construction Drawings. The proposed pipes will be placed a minimum of two feet below the bottom of the stream and capped with concrete. Earth fill will be placed on top of the cap to return the trench back to the elevation of the bottom of the stream. If the pipe trench requires bedrock excavation, the rock will be hoe rammed out of the trench, the pipe will be placed and capped with concrete, and the trench and concrete/rock seam will be grouted to prevent any water loss through the bed rock.

Pipe sizes will range from 8 inch to 24 inch and manhole size will be 4, 5, or 6 feet in diameter. Total area of disturbance is 4.03 acres.

17. Winchester Municipal Utilities (WMU) is in the process of acquiring all necessary easements. Owner (WMU) will have all easements before construction commences.

Public Notice

Notice is hereby given that Winchester Municipal Utilities has filed an application with the Kentucky Energy and Environment Cabinet for the Lower Howards Creek Sanitary Sewer Improvements Project-Hampton Manor Outfall. This project is expected to impact a total of approximately 48 linear feet and an approximate width of 46 linear feet (.0064 acres) of perennial stream. The project consists of replacing existing and/or adding sewer line and manholes to this area. Materials will be stored above stream floodplain and replaced after placement of pipeline. This project is located along Hampton Place, Hampton Avenue, Bonnie Brook Lane, AL-Fan Court, Willowbrook Road, KY 1958 and KY 627 in Winchester, Clark County, Kentucky 40391. Any comments or objections concerning this application shall be directed to: Kentucky Division of Water, Water Resources Branch, 200 Fair Oaks Lane, Fourth Floor, Frankfort, Kentucky 40601. Phone: (502) 564-3410.



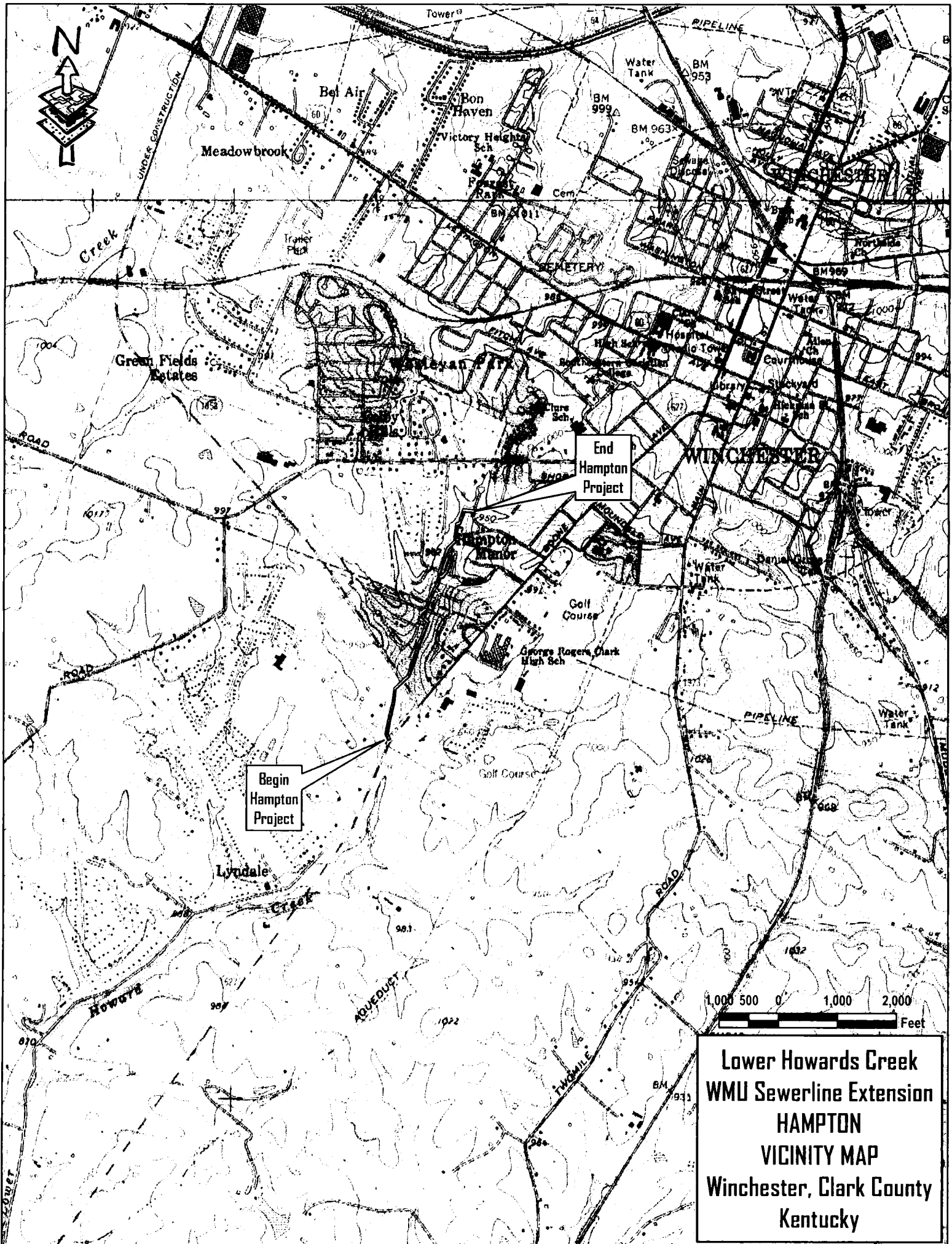
HAMPTON MANOR OUTFALL			
CROSSING NUMBER	LENGTH OF STREAM CROSSING (FEET)	WIDTH OF STREAM AT CROSSING (FEET)	AREA OF IMPACT IN STREAM (SQUARE FEET)
1	7.72	8.14	49.82
2	6.99	3.19	19.01
3	6.00	5.67	33.51
4	6.18	6.36	37.91
5	7.14	7.41	45.99
6	7.91	8.89	53.80
7	6.22	6.28	37.55
Total	48.16	45.80	277.19

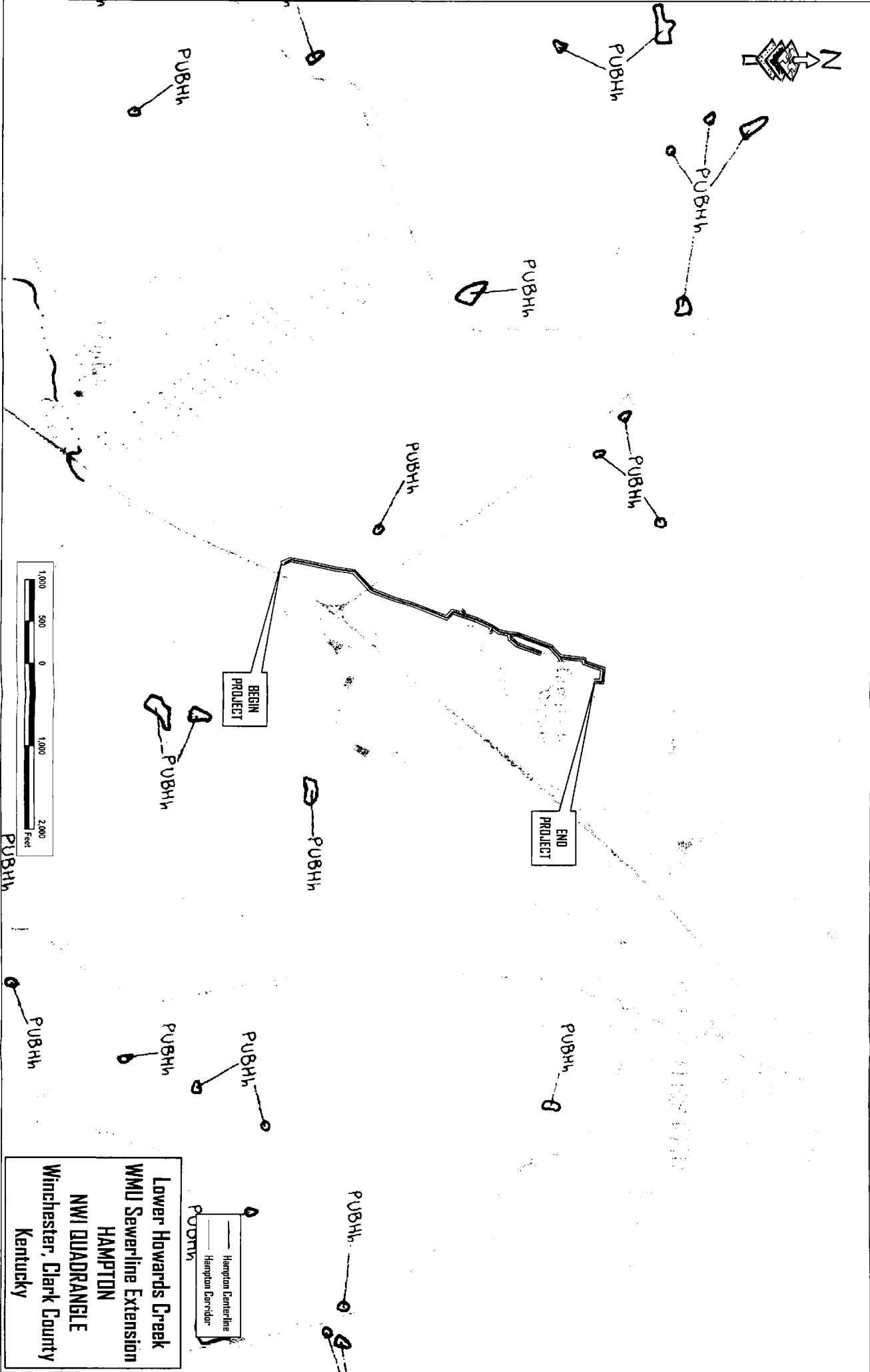
277.19 = .0064 ACRES



- Legend**
- Spring
 - Stream Crossing
 - Wetland Sample Point
 - Swale
 - Wetland
 - Main Channel
 - Unnamed Tributary
 - SD Stationing Ticks
 - Proposed Sewerline
 - SD Corridor

**Lower Howards Creek
WMU Sewerline Extension
HAMPTON
DELINEATION MAP
Winchester, Clark County
Kentucky**







May 27, 2009

Joyce Fry
Water Quality Certification Section
200 Fair Oaks Lane
Fourth Floor
Frankfort, KY 40601

**RE: WINCHESTER MUNICIPAL UTILITIES LOWER HOWARDS CREEK SANITARY
SEWER IMPROVEMENTS PROJECT - HAMPTON MANOR OUTFALL**

Dear Ms. Fry,

Enclosed, please find the Kentucky Division of Water Permit package for the Lower Howards Creek Sanitary Sewer Improvements Project – Hampton Manor Outfall. Please assign one project activity identification number for all permit applications in this submittal and distribute permit applications to their respective departments for review. The permit package includes:

- Construction Permit Application for Sewer Line Extension: Attention Mr. Herald Sparks;
- Application for Permit to Construct Across or Along a Stream and/or Water Quality Certification: Attention Mr. Jim Oerther;
- Application for Permit to Construct Across or Along a Stream and/or Water Quality Certification: Attention Ms. Joyce Fry; and
- KPDES NOI: Attention Section Supervisor – Inventory and Data Management.

The Hampton Manor Outfall has been designed and submitted to Kentucky Division of Water (KDOW) and U.S. Army Corps of Engineers (USACE) for all necessary permitting in conjunction with the Lower Howards Creek Sanitary Sewer Improvements Project - Vaught Road Outfall. USACE requires both the Hampton and Vaught projects to be submitted as a single permit application for the 404 Nationwide 12 Permit. In order to maintain eligibility for stimulus funding on the Vaught Road Outfall, Winchester Municipal Utilities (WMU) intends to have both projects ready for advertisement prior

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A permit application for the USACE Section 404 Nationwide Permit 12 has been submitted concurrently with this application.

If you have any questions or comments, please feel free to contact Lee Carolan or me at (859) 744-1218.

Respectfully submitted,

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Brian Ward, P.E.
Project Manager

Cc: Vernon Azevedo
Job # 10390.00